

From: Brian Conte
To: Microsoft ATR
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Subject: Microsoft Settlement

I consider myself as someone who has reasonable knowledge and perspective on the relevant issues of this case. I worked for Microsoft for 5 years, and during that time worked with a number of ISVs working on applications for Microsoft Windows. I also ran my own software company, which developed Windows applications, for 10 years. I have lived in Microsoft's community (Redmond and Seattle) for 20 years.

The settlement is a joke. It is little more than a slap on the wrist to a company that has continually and egregiously abused its monopoly power. It reads like it was drawn up by Microsoft lawyers and agreed to by a justice department more interested in a speedy resolution than an appropriate one. Knowing the dynamics of the software industry and Microsoft's proven willingness to push the bounds of any imposed restrictions, I think that many of the "remedies" of this settlement actually hurt the software industry and help Microsoft, rather than vice versa. It is clear to me that the net result of this settlement will be only to allow Microsoft to continue to abuse its monopoly position, stifle creative competition, and ultimately hurt consumers.

I can only hope that the nine remaining states do a better job than the justice department did at penalizing and restricting Microsoft in a way that will meaningfully protect consumers.

Brian Conte